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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: MICHAEL TEWES ET AL EXAMINER: SHUN LEE

SER. NO. 09/319,092 GROUP: 2878

FILED: June 18, 1999

FOR: FLUORESCENCE CORRELATION SPECTROSCOPY MODULE FOR A MICROSCOPE

INFORMATION DISCLOSURE STATEMENT

BOX AF

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants are submitting Form PTO 1449 and the references cited thereon. Applicants became aware of these references on or about July 26, 2002, i.e. within three months of the date this IDS is being filed. A copy of a letter from patent attorneys von Kreisler et al, showing the date when they mailed the references to the European Patent Office, is attached.

Please charge deposit account 03-2468 for the associated fee of this IDS.

Applicants' comments to the German references are as follows:

The Fluoreszenz-Korrelations-Spektrometer Zeiss Handbook reveals a fluorescence spectroscopy as a whole. As it can be seen on the first page, this microscope or spectroscope is specialized for fluorescence correlation spectroscopy. Therefore, a single module combining all necessary features, that can be placed at a standard microscope by a coupling connection, cannot be found. However, the present inventors never claimed to have invented the fluorescence correlation spectroscopy itself. They claim a module that enables a very cheap access to this type of measurement.

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Regarding the article "Mikroskopgestuetzte Fluoreszenz Photonen-Korrelation" by Martin Völcker et al, this reference also only deals with the overall topic. However, this article reveals the exact apparatus of the "Fluoreszenz-Korrelations-Spektrometer Zeiss Handbook" (see above) in its drawings 4 and 6. Especially, drawing 6 one can find that the laser beam is introduced into the corresponding microscope at a completely different place than where the detector and its pin hole are situated. Therefore, no module exists here which combines the input via laser and the detector and the pin hole, in a single module.

EP 0 941 470 B1 corresponds to the present application, as you may find with respect to the identical priority for the EP 0 941 470 B1 and the present application. (Priority: DE 196 49 605.5, filed Nov. 29, 1996).

WO 94/16313 A2, Figs. 14, 15 and 16, as well as in the corresponding description, shows the overall structure of fluorescence correlation spectroscopy. No module is shown. Only in Fig. 25 as well as on pages 88 to 92, an apparatus for fluorescence correlation spectroscopy is revealed. As can be seen, this microscope has a separate input for a laser beam (70, 71), leading to the probe 62 along the slash-dotted line. From the probe 62, the emitted light is following via semi-reflecting mirrors 93 to detectors 90, 91 through in holes 88 and lenses 87. Therefore, the separating mirror, the incoming laser beam, as well as the pin hole are not in one single module, as is claimed in the present invention.

It is hereby certified that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

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Enclosure: FORM PTO-1449 with copies of listed references  
Copy of von Kreisler et al letter, showing date when  
applicant became aware of references

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231, on October 24, 2002

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